

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Nora Mead Brownell, and Sudeen G. Kelly.

Mystic Development, LLC

Docket Nos. EL05-71-000

v.

EL05-71-001

Boston Edison Company and  
NSTAR Electric and Gas Corporation

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued August 15, 2005)

1. On June 30, 2005, Mystic Development, LLC (Mystic Development), Boston Edison Company (Boston Edison), and NSTAR Electric & Gas Corporation (NSTAR) (collectively, the Parties) filed a Settlement and related documentation, including a letter agreement entered into by the Parties on June 27, 2005, which resolves all issues in the above-captioned proceedings. The Settlement resolves issues related to the payment of the Annual Facilities Charge by Mystic Development to Boston Edison under the Parties' interconnection agreement. No comments were filed. On July 26, 2005, the Presiding Judge certified the Settlement as uncontested.

2. The Settlement is in the public interest and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

3. The Settlement filed with the Commission does not include a revised agreement. The parties are directed to file a revised agreement which reflects the terms and conditions of the Settlement within 30 days of the date of this order. The revised agreement should only reflect effective language and must include proper pagination consistent with *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs. Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000).

4. This order terminates Docket Nos. EL05-71-000 and EL05-71-001.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

( S E A L )

Magalie R. Salas,  
Secretary.

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it approves a settlement that provides the standard of review for any modifications to this Settlement Agreement that are not agreed to by all the Parties, including any modifications resulting from the Commission acting *sua sponte*, shall be the “public interest” standard under the *Mobile-Sierra* Doctrine.

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Suede G. Kelly